

## **REMARKS**

A petition for a three month extension of time under 37 CFR 1.136(a) and a PTO-2038 authorizing credit card payment of the \$1,020.00 fee are being filed herewith.

Claims 5, 17 and 25-29 have been canceled.

Claims 1, 11, 13, 18, 19, 22, and 23 have been amended.

Claims 2-4, 6-9, 10, 12, 14-16, 20, 21, and 24 are original claims, as filed.

### **CLAIM OBJECTIONS**

The Examiner has kindly pointed out certain errors in claims 1, 11, and 13, which have been corrected.

### **CLAIM REJECTION UNDER 35 U.S.C 102**

The Examiner has rejected claims 1-6, 13-18, 25, and 26 under 25 U.S.C. 102(e) as being anticipate by United States Patent No. 6,559,863, issued May 6, 2003 to N. Megiddo and filed on February 11, 2000 (hereinafter Megiddo).

It is respectfully submitted that the amendments to the claims have obviated the Examiner's grounds for rejection.

Applicants have indicated in their BACKGROUND that

“Collaborative tools such as NetMeeting, similarly, allow participants to see who is currently active in the system and allow the participants to join a conference and share documents. Email and voice mail systems allow participants to send pointers to documents and attach messages in the form of text and/or voice.

Current voice and data conferencing services, such as NetMeeting, provide participants the ability to have a conference in which applications can be shared together with voice conferencing. That is, one participant's applications can be visible in other participants' computers during a conference. Some simple visual display capability is provided that shows who is currently a participant in the conference. There are also a number of systems that manage virtual meetings so that the current participants are shown on a display screen via an icon, image or live video.

A major disadvantage of current voice conference arrangements is their cost; even if none of the participants is presently speaking they still consume resources and tie up phone circuits. Consequently, conferences are typically scheduled carefully in advance and are of a short-term in duration.”

Further in their SUMMARY OF THE INVENTION they also indicate that

“by separating particular participants of the conference from those participants that are actually currently active in the conference. This establishes a type of virtual conference, i.e., meeting, that can be monitored by participants, i.e., users, without requiring them to be actively a part of the conference call. These particular participants are in a so-called monitor mode. These participants can readily change their state from the monitor mode to a listen mode or active mode, as desired. One advantage of this invention is that a long-term conference of months or even years duration can be set up, only incurring a cost to participants when they are active participants in the conference call.

One embodiment of the invention employs the automatic collection of speaker, as well as, participation information. In existing virtual meeting systems participants must manually enter the virtual meeting by employing some software on their individual computers and change their state of participation using applications. This embodiment of the invention, by contrast, monitors the states of all devices connected to the conference, either computer or telephone, and makes that information available to all participants monitoring the conference without requiring user-generated explicit commands to do so (emphasis added).

Applicants have amended claim 1 to further clarify that their method now

“automatically collecting participation information of each of said participants in said group, by monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so”;

Applicants respectfully disagree with the Examiner’s position that column 5, lines 29-56 of Megiddo anticipates applicants’ call for “monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so”, as now recited in amended claim 1.

Specifically, Megiddo at column 5, lines 29-56 recites

“Referring to FIGS. 2b-2c, the user 111 decides to enter the second group 120. The user may choose to enter the group 120 because the user 111 overhears a conversation of interest to the user 111, or sees a participant that the user would like to meet due to appearance or simply because the user has tired of the conversation with the second graphic image 112. The user 111 clicks and drags, using a computer mouse, the icon representing the user 111 into or near to the second group 120. As can be seen in FIG. 2c, the user 111 then enters the second group 120 and the electronic conference room 100 rotates, so that the icon of the user 111 appears to be the closest icon of all the icons representing the participants. It is to be appreciated that each participant will become the user with respect to the representation of the icon representing them in the electronic conference room 100 during a conferencing session. Therefore, the icon, the picture or video image will appear closest in the electronic conference room 100

to that particular participant. In addition, the audio signal and the caption for each of the graphic images will be loudest and largest, respectively, in the group that the participant is a part. The picture 150 illustrates that the electronic conference room 100 has rotated so that the second group 120 now appears closest. The group 120 is illustrated as being in the middle of the electronic conference room 100 in FIG. 2b. In FIG. 2c, the first group 110 and the third group 130 now appear to be approximately the same distance from the second group 120. Therefore, the position of the groups within the electronic conference room has not changed, but only the appearance of the user within the electronic conference room 100. It is to be appreciated that other graphic images may move from group to group within the electronic conference room 100, but the icon image of the user 111 will appear to be closer on the user's computer screen than the other groups that the user 111 is not participating."

Applicants respectfully submit that Megiddo nowhere in the above cited section describes their important step of

"monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so",

as now recited in amended claim 1.

Indeed Megiddo is silence as to how the participant information is obtained.

Therefore, it is believed that claim 1, as currently amended, is not anticipated by Megiddo and is now believed allowable over the rejection under 35 U.S.C. 102(e), based on the Megiddo patent.

Claims 2-4 and 6-12 are dependent from claim 1, as currently amended, and therefore include all the inventive steps of claim 1, as currently amended. Consequently, it is submitted that claims 2-4 and 6-12 are also allowable over the rejection under 35 U.S.C. 102(e) based on the Megiddo patent.

Claim 13, as currently amended, is an apparatus claim of similar scope as method claim1, as currently amended. Therefore, it is believed that claim13, as currently amended should also be allowable over the rejection under 35 U.S.C. 102(e) based on the Megiddo patent.

Claims 14-16 and 18-24 are dependent from claim 13, as currently amended, and therefore include all the inventive elements of claim 13, as currently amended.

Consequently, it is submitted that claims 4-16 and 18-24 are also allowable over the rejection under 35 U.S.C. 102(e) based on the Megiddo patent.

**CLAIM REJECTION UNDR 35 U.S.C.103**

The Examiner has rejected original claims 7-12, 19-24, and 27-29 under 35 U.S.C. 103(a) as being unpatentable over Megiddo in view of United States Patent no. 5,884,039 issued on March 16, 1999 to L. F. Ludwig et al. (herein after Ludwig)

Again, is respectfully submitted that the amendments to the claims, as discussed above, have obviated the Examiner's grounds for rejection under 35 U.S.C. 103(a) based on the Megiddo and Ludwig patents.

As discussed above, it is believed that Megiddo fails to show, teach or suggest applicant's unique invention that includes a step of and apparatus for

“monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so”,  
as now recited in amended claim 1.

Consequently, as noted above, it is believed that Megiddo fails to show, teach or suggest applicants' unique invention as now defined by claims 1 and 13, as currently amended.

Ludwig also fails to show, teach or suggest applicants' unique invention that includes a step of and apparatus for

“monitoring the states of all devices connected to said conference and making that information available to all participants without requiring participant generated explicit commands to do so”,  
as now recited in amended claims 1 and 13.

Therefore, it is respectfully submitted that the combination of Megiddo and Ludwig as suggested by the Examiner still would not result in the inventive steps of claims 1-4 and 7-12, or the unique inventive combination of elements as now defined by claims 13-16 and 18-24.

Thus, it is believed that claims 1 and 13, as currently amended, are allowable under both 35 U.S.C. 102 and 35 U.S.C. 103 over the rejections based on the Megiddo and Ludwig patents.

Again, since claims 2-4 and 6-12 are dependent from claim 1, as currently amended, which is believed to be allowable, and claims 14-16 and 18-24 are dependent from claim 13, as currently amended, which is believed to be allowable, so too, claims 2-

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4 and 6-12, and claims 14-16 and 18-24 should also be allowed over the rejections under both 35 U.S.C 102 and 35 U.S.C. 103 based on the Megiddo and Ludwig patents.

Claims 1-4, 6-16 and 18-24 remain in this application.

It is now believed that this application is in condition for allowance.

Reconsideration and allowance are therefore respectfully solicited.

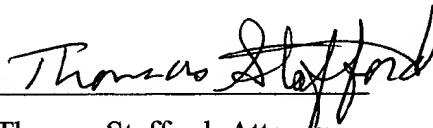
If there are still outstanding issues to be resolved, the Examiner is respectfully invited to call applicants' attorney, Thomas Stafford, at 727-772-4173 so that those issues may be discussed and satisfactorily resolved.

Respectfully,

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By   
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